

REMARKS

Formal Matters

Claims 1-20 are pending.

Claims 9-15 are under consideration. Claims 1-8 and 16-20 are withdrawn as being directed to a non-elected invention.

Claim 9 is amended for further clarity.

No new matter is added.

Restriction Requirement

The Examiner therein required election of one of the following groups of claims:

- Group I: Claims 1-8, drawn to methods of eliciting an immune response to a bacterial pathogen comprising administering an incapacitated whole cell bacterial compositions wherein said bacterium is incapacitated by the expression from a recombinant promoter;
- Group II: Claims 9-15, drawn to methods of vaccinating a subject against a disease caused by a bacterial pathogen comprising administering an incapacitated whole cell bacterial compositions wherein said bacterium is incapacitated by the expression from a recombinant promoter; and
- Group III: Claims 16-20, drawn to methods of eliciting an immune response to an antigen comprising administering an incapacitated whole cell bacterial composition wherein said bacterium is incapacitated by the expression from a recombinant promoter.

The Applicants hereby elect to prosecute the claims of Group II, claims 9-15 with traverse. As stated in the MPEP §803, if search and examination of an entire application can be made without serious burden, the examiner must examine the entire application on the merits, even though the entire application includes claims to independent or distinct inventions. It is the Applicants' position that it would not be unduly burdensome to perform a search on all of the

claims together in the present application, as they are linked by the concept of using a bacterium that is incapacitated by expression of a gene product from a recombinant promoter. Accordingly, the Applicants traverse the restriction requirement.

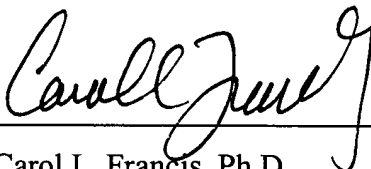
The Applicants expressly reserve the right under 35 USC §121 to file a divisional application directed to the non-elected subject matter or any subject matter disclosed in this application during the pendency of this application.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number GANG-008.

Respectfully submitted,

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